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Serial No. 10/686391

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Art Unit: 3749

In the drawings:

Please replace the informal drawings with the corrected formal drawings submitted herewith.

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REMARKS

Claims 1-32 were examined. By present amendment, Claims 1, 2, 13 and 14 were amended to more particularly point out and distinctly claim the invention. In addition, the Specification and Drawings were amended for consistency in the reference numerals. Reconsideration and further examination are respectfully requested.

Allowable Subject Matter

Applicants gratefully acknowledge the Patent Office's indication of the allowability of Claims 19-32. In addition, Applicants gratefully acknowledge the Patent Office's indication that Claims 6-9 and 11 would be allowable if rewritten in independent form to include all limitations of the base claim and any intervening claims.

Amendments to the Specification

The Specification was amended for the sake of consistency to replace the phrase "ignition material 50" which is found on Page 1, l. 10, with the phrase "ignition substance 50," as used in other areas of the Specification. The Specification also was amended to replace "ignition rod 47" with "ignition rod 49". Support for the Amendment is found in the original drawings (see Figures 4, 5, and 6), in which the features of the ignition substance 50 and the ignition rod 49 (formerly "47") are both shown.

Rejection under 35 U.S.C § 112(1)

Claims 13-18 were rejected for lack of enablement in the specification for the terms "first and second ignition medium."

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It is stated in the Specification that "the present invention is not limited to any particular ignition means, rather any ignition that occurs due to the contact of two substances may be used interchangeably herein" (P. 6, ll. 14-16). In addition, it is also stated in the Specification that "the ignition substance 50 and the ignition rod 49 together provide an ignition means" (P. 6, l. 11). Accordingly, without acceding to the correctness of the Patent Office's position, Applicant has replaced the phrase "first and second ignition medium" with the phrase "ignition means comprising a first ignition substance and a second ignition substance." Support for the amendment is found in the Specification as filed at P.6, ll. 7 – 16 and Page 7, l. 10.

Withdrawal of the rejection is respectfully requested.

#### Drawings

Applicants have corrected the drawings in view of the foregoing comments and the comments above with respect to the rejection under 35 U.S.C § 112(1). Specifically, in Figures 4, 5 and 6, reference numeral "46" has been changed to reference numeral "49", referring to the ignition rod.

Withdrawal of the objection is respectfully requested.

#### Rejection under 35 U.S.C § 102(b)

Claims 1, 2, 4, 5, 10 and 12 were rejected as being anticipated by U.S. Patent Publication 2002/0115031 to Chen.

Applicant disagrees.

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Chen discloses a lighter with a safety device having both a locked and an unlocked position. In a locked position, the ignition cap 21 is locked against downward and rearward movement because the locking member 22 is biased against the casing 10. Unlocking the locking member 22 requires a sideways or rearward pressing of the operating button 221 of the locking member 22, which disengages the locking member 22 from the casing 10, thereby allowing downward sliding motion of the ignition cap 21. Thus, unlocking requires pressing inwardly upon the lever against the bias of the spring.

In contrast, when the lever arm of the present lighter is in a locked position, it is biased against the upper surface of the trigger, rather than against the housing (as in Chen). To unlock the lever, the lever arm is pivoted upwardly about pin 18, thereby allowing downward sliding motion of the trigger to actuate the lighter. Thus, unlocking involves pivoting the lever upwardly.

Thus, Claim 1 and the claims that depend therefrom are not anticipated by Chen because Chen fails to disclose that the locking member 22 pivots upwardly to unlock the locking member. Withdrawal of the rejection is respectfully requested.

Moreover, Chen fails to teach or suggest a locking member with upward pivoting movement to unlock the locking member, or to provide any motivation to do so. Even if one of skill in the art was motivated to do so, it would require modification of Chen to change the position of the locking member e.g., so that it is positioned above the ignition cap, where the casing 10 could not function as a stop for the locking member.

Rejection under 35 U.S.C § 103(a)

Claim 3 was rejected as being unpatentable over U.S. Patent Publication 2002/0115031 to Chen.

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Applicant disagrees, for the same reasons noted above. Chen fails to teach or suggest a locking member with upward pivoting movement to unlock the locking member, or to provide any motivation to do so. Even if one of skill in the art was motivated to do so, it would require modification of Chen to change the position of the locking member e.g., so that it is above the ignition cap, where the casing 10 could no longer act as a stop for the locking member.

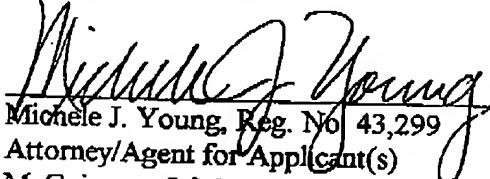
Thus, Claim 1 and the claims that depend therefrom are not obvious over Chen. Withdrawal of the rejection is respectfully requested.

#### CONCLUSION

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Applicants' Attorney at the number listed below so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

  
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